

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40629 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- RASULPUR District- Saran

DEEN BANDHU GIRI aged about 28 years, Gender-M, Son of Satendra Giri
Resident of Village-Chapraitha, P.S-Rashulpur, District-Chapra at Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kr. Srivastava

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-07-2019 Heard both sides.

The petitioner apprehends his arrest in Rashulpur P.S.
Case No.36 of 2019 registered under Sections 341, 323, 324,
504, 307, 379 and 34 of the Indian Penal Code.

The informant named the petitioner along with three
other accused persons namely, Satendra Giri, Guddu Giri and
Kameshwar Giri and alleged that they having armed with
different weapons came on his land. Satendra Giri assaulted
Sheetal Giri with dab, a sharp edge weapon on his head. Sheetal
Giri became unconscious. Guddu Giri assaulted Munnilal Giri
with axe causing head injury and Deen Bandhu Giri(the
petitioner) is alleged to have assaulted Ramudar Giri with axe
on his head. Kameshwar Giri assaulted Ankit Giri with stick on
his head and accused persons snatched money from the



possession of Ramudar Giri.

The learned counsel for the petitioner submits that the informant alleged that Deen Bandhu Giri(the petitioner) assaulted Ramudar Giri with axe on his head but Ramudar Giri got as many as four injuries. No injury was found on the person Ramudar Giri by sharp edge weapon. All the injuries including abrasion and swelling are superficial and simple in nature. It is further submitted that only Deen Bandhu Giri is said to have assaulted with axe on head but no injury on head was found. No other accused is alleged to have assaulted Ramudar but the doctor surprisingly found four injuries although the injuries are simple in nature. It is further submitted that there is a counter version being Rashulpur P.S. Case No.37 of 2019 and wife of Satendra Giri is the informant of the case. Many persons from the side of the petitioners were injured but they also got simple injuries.

Having considered the facts aforesaid and the fact that both sides on account of land dispute entered into mutual assault on each other and both sides got injuries but the injuries are simple in nature, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on



bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. X, Saran at Chapra in connection with Rashulpur P.S. Case No.36 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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